

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

**FIFTY-EIGHTH LEGISLATIVE DAY
TUESDAY, MARCH 10, 2009**

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Philip Alexander, Page.

Approval of Journal

March 10, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifty-seventh Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

March 9, 2009

Mr. Speaker:

I transmit herewith [S 1122](#), [S 1128](#), and [S 1123](#) which have passed the Senate.

WOOD, Secretary

[S 1122](#), [S 1128](#), and [S 1123](#) were filed for first reading.

March 9, 2009

Mr. Speaker:

I return herewith [H 45](#) and [H 35](#) which have passed the Senate.

WOOD, Secretary

[H 45](#) and [H 35](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

March 9, 2009

Mr. Speaker:

I return herewith [H 31](#), as amended in the Senate, [H 34](#), as amended in the Senate, [H 79](#), as amended in the Senate, and

[H 132](#), as amended in the Senate, which have passed the Senate.
WOOD, Secretary

[H 31](#), as amended in the Senate, [H 34](#), as amended in the Senate, [H 79](#), as amended in the Senate, and [H 132](#), as amended in the Senate, were ordered held at the Desk.

Mr. Hagedorn asked unanimous consent that the House concur in the Senate amendments to [H 31](#), as amended in the Senate. There being no objection, it was so ordered.

Mr. Andrus asked unanimous consent that the House concur in the Senate amendments to [H 34](#), as amended in the Senate. There being no objection, it was so ordered.

Mrs. Ringo asked unanimous consent that the House concur in the Senate amendments to [H 79](#), as amended in the Senate. There being no objection, it was so ordered.

Mr. Wills asked unanimous consent that the House concur in the Senate amendments to [H 132](#), as amended in the Senate. There being no objection, it was so ordered.

[H 31](#), as amended in the Senate, [H 34](#), as amended in the Senate, [H 79](#), as amended in the Senate, and [H 132](#), as amended in the Senate, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

Report of Standing Committees

March 10, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 222](#), [H 223](#), [H 224](#), and [H 225](#).

CLARK, Chairman

[H 222](#) was referred to the Commerce and Human Resources Committee.

[H 223](#) was referred to the Judiciary, Rules, and Administration Committee.

[H 224](#) and [H 225](#) were referred to the Education Committee.

March 10, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 64](#), as amended in the Senate, as amended in the Senate.

CLARK, Chairman

The Speaker announced he was about to sign enrolled [H 64](#), as amended in the Senate, as amended in the Senate, and, when so signed, ordered it transmitted to the Senate for the signature of the President.

March 9, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [HCR 13](#) and [HCR 16](#) to the Secretary of State at 1:11 p.m., as of this date, March 9, 2009.

CLARK, Chairman

March 9, 2009

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [HCR 12](#), [HCR 22](#), and [S 1043](#) and recommend that they do pass.

LOERTSCHER, Chairman

[HCR 12](#), [HCR 22](#), and [S 1043](#) were filed for second reading.

March 9, 2009

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 161](#) and report it back with amendments attached to be placed on General Orders for consideration.

LOERTSCHER, Chairman

[H 161](#) was placed on General Orders for consideration.

March 9, 2009

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [H 217](#), [S 1062](#), and [S 1080](#) and recommend that they do pass.

BLACK, Chairman

[H 217](#), [S 1062](#), and [S 1080](#) were filed for second reading.

March 9, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [S 1056](#), as amended, [S 1003](#), and [S 1042](#) and recommend that they do pass.

CLARK, Chairman

[S 1056](#), as amended, [S 1003](#), and [S 1042](#) were filed for second reading.

March 9, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [H 106](#) and [S 1004](#) and report them back with amendments attached to be placed on General Orders for consideration.

CLARK, Chairman

[H 106](#) and [S 1004](#) were placed on General Orders for consideration.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE JOINT MEMORIAL NO. 5 BY STATE AFFAIRS COMMITTEE

A JOINT MEMORIAL

TO PRESIDENT OF THE UNITED STATES, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixtieth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the processing of horses has become a controversial and emotional issue and has resulted in the closing of all horse processing facilities throughout the United States; and

WHEREAS, federal legislation was introduced to amend the 1970 Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling or donation of horses and other equines for processing and other purposes; and

WHEREAS, the loss of secondary markets has severely impacted the livestock industry by eliminating the salvage value of horses and has significantly reduced the market value of all horses; and

WHEREAS, prohibitions regarding the processing of horses have resulted in significant increases in abandoned and starving animals and have had significant economic impact on the entire equine industry; and

WHEREAS, the increase in unwanted or unusable horses has overwhelmed private animal welfare agencies and the public's ability to care for surplus domestic horses; and

WHEREAS, the annual number of unwanted or unusable surplus domestic horses is estimated to be one hundred thousand (100,000), compounding annually; and

WHEREAS, issues related to the humane handling and slaughter of surplus domestic horses are best addressed by proper regulations and inspection and not by banning or exporting the issue; and

WHEREAS, state agriculture and rural leaders recognize the necessity and benefit of a state's ability to direct the transport and processing of horses.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that Congress is urged to oppose federal legislation that interferes with a state's ability to direct the transport or processing of horses.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

[HJM 5](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

Mr. Clark asked unanimous consent that [H 165](#) be returned to the Judiciary, Rules, and Administration Committee. There being no objection, it was so ordered.

HOUSE BILL NO. 226 BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO OPERATING FEES FOR MOTOR VEHICLES; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-415G, IDAHO CODE, TO PROVIDE FOR A SPECIAL PERMANENT

OR BUSINESS LOGO LICENSE PLATE FOR TRAILERS AND SEMITRAILERS, TO PROVIDE PROCEDURES AND TO PROVIDE FOR REMITTANCE OF FEES; AND AMENDING SECTION 49-434, IDAHO CODE, TO REVISE REGISTRATION PROVISIONS FOR A TRAILER OR SEMITRAILER AND TO PROVIDE REGISTRATION PROVISIONS FOR A TRAILER OR SEMITRAILER BASED IN ANOTHER JURISDICTION.

HOUSE BILL NO. 227
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO PAYDAY LOANS; AMENDING SECTION 28-46-402, IDAHO CODE, TO PROVIDE THAT A PAYDAY LOAN MADE IN THIS STATE IN VIOLATION OF THE LICENSING REQUIREMENT OF THE DEPARTMENT OF FINANCE IS VOID, UNCOLLECTIBLE AND UNENFORCEABLE, TO PROVIDE THAT FOR ANY SUCH PAYDAY LOAN THE DEBTOR IS NOT OBLIGATED TO PAY THE PRINCIPAL OR ANY FEE ASSOCIATED WITH SUCH PAYDAY LOAN, TO PROVIDE PROCEDURES AND TO PROVIDE FOR CEASE AND DESIST ACTIONS BY THE DIRECTOR OF THE DEPARTMENT OF FINANCE; AMENDING SECTION 28-46-412, IDAHO CODE, TO REVISE PAYDAY LOAN PROCEDURES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-46-413, IDAHO CODE, TO PROVIDE PROCEDURES UPON THE THIRD RENEWAL OF A PAYDAY LOAN, TO PROVIDE FOR A PAYMENT PLAN AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 228
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE LOTTERY; AMENDING SECTION 67-7434, IDAHO CODE, TO PROVIDE FOR SPECIFIED TRANSFERS OF NET INCOME FROM THE LOTTERY, TO REQUIRE THE LOTTERY TO ENSURE SPECIFIED CONDITIONS, TO PROVIDE FOR ADJUSTMENTS TO CERTAIN TRANSFERS AND TO PROVIDE A SUNSET DATE; AND AMENDING SECTION 63-2520, IDAHO CODE, TO PROVIDE FOR THE CONSIDERATION OF CERTAIN LOTTERY MONEYS DISTRIBUTED IN CALCULATING AMOUNTS TO BE DISTRIBUTED BY THE TAX COMMISSION AND TO MAKE TECHNICAL CORRECTIONS.

[H 226](#), [H 227](#), and [H 228](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1122](#), by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Commerce and Human Resources Committee.

[S 1128](#), by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Revenue and Taxation Committee.

[S 1123](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

There being no objection, the House advanced to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

[H 147](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wills to open debate.

The question being, "Shall [H 147](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Shepherd(02), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Mr. Speaker. Total – 59.

NAYS – Barrett, Boyle, Harwood, Lake, Loertscher, Luker, Marriott, Schaefer, Shepherd(08), Wood(35). Total – 10.

Absent and excused – Hart. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 147](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 115](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Chadderdon to open debate.

Mr. Kren asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of [H 115](#). There being no objection it was so ordered.

The question being, "Shall [H 115](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Labrador, Lake, Mathews, McGeachin, Moyle, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Shepherd(02), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Mr. Speaker. Total – 58.

NAYS – Barrett, Boyle, Burgoyne, Harwood, Kren, Loertscher, Luker, Marriott, Nielsen, Schaefer, Shepherd(08). Total – 11.

Absent and excused – Wood(35). Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 115](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 159](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thompson to open debate.

The question being, "Shall [H 159](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – Burgoyne. Total – 1.
Total – 70.

Whereupon the Speaker declared that [H 159](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 187](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Patrick to open debate.

The question being, "Shall [H 187](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.
Absent and excused – Raybould. Total – 1.
Total – 70.

Whereupon the Speaker declared that [H 187](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 146](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. McGeachin to open debate.

Pursuant to Rule 38(3), Mr. Burgoyne disclosed a conflict of interest regarding [H 146](#), as amended.

The question being, "Shall [H 146](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wood(27), Wood(35). Total – 66.

NAYS – Durst, Pasley-Stuart, Mr. Speaker. Total – 3.
Absent and excused – Wills. Total – 1.
Total – 70.

Whereupon the Speaker declared that [H 146](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 145](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

The question being, "Shall [H 145](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.
Absent and excused – Chew, Wills. Total – 2.
Total – 70.

Whereupon the Speaker declared that [H 145](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 157](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

The question being, "Shall [H 157](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Chadderdon, Chavez, Clark, Collins, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – Burgoyne, Durst. Total – 2.
Absent and excused – Chew, Wills. Total – 2.
Total – 70.

Whereupon the Speaker declared that [H 157](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Wednesday, March 11, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:59 a.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk